

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-42 are pending. Claims 1, 6, 12 and 21 are amended herein to be in dependent form. No new matter is added to the application by the present amendment.

Claims 1, 6 and 12 are each amended herein to be dependent (directly or indirectly) on claim 32. Claim 21 is amended herein to be dependent on claim 38.

In response to the restriction, applicant provisionally elects, with traverse, the invention identified by the Examiner as invention IV (corresponding to claims 32-37). The restriction is traversed, at least with respect to the invention identified by the Examiner as invention V (corresponding to claims 38-42). In particular, claims 38-42 recite a process of making a tubing that corresponds to the tubing recited in claims 32-37, respectively. For example, claim 32 recites “[a] tubing ... comprising at least one layer of COPE material selected to be suitably compatible with the media.” In comparison, claim 38 recites a process of making a tubing, comprising “selecting a COPE material that is suitably compatible with the media” and “forming a tubing having at least one layer of the selected COPE material.”

By the nature of the claims, the process of claim 38 could not be used to make a tubing other than the tubing recited in claim 32. Similarly, the tubing of claim 32 would be made according to the process of claim 38. In that regard, claims 32 and 38 are directed to common innovations and should be examined and classified together. Similar comments apply to each of dependent claims 33 and 35-37, as compared to the dependent claims 39-42, respectively. Accordingly, the restriction between inventions identified by the Examiner as inventions IV and V is respectfully traversed.

Claims 1, 6 and 12 are each amended herein to depend (directly or indirectly) upon claim 32. Because claim 32 is within the elected invention IV, applicant requests that claims 1 and 6 remain in the application, for inclusion in an issued patent, in the event that the parent claim 32 is allowed. Similarly, claim 21 is amended herein to depend upon claim 38. As claim 38 is

believed to be within the elected invention (per the above traversal of the restriction), applicant requests that claim 38 remain in the application, for inclusion in an issued patent, in the event that the parent claim 32 is allowed. As the remaining claims are each dependent, directly or indirectly, on the above-discussed claims, applicant also requests that those dependent claims remain in the application, for inclusion in an issued patent, in the event that a parent claim within the elected invention is allowed.

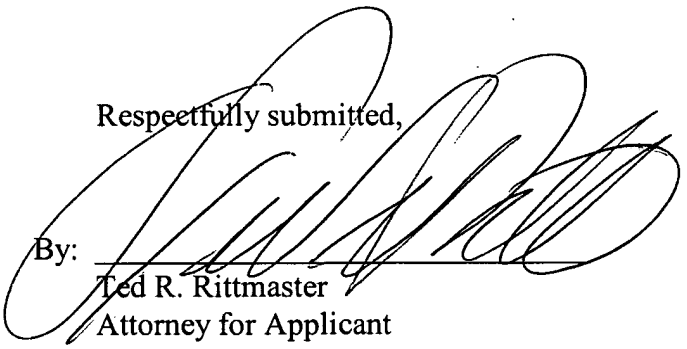
Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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